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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Michael Tatum, an individual.

Plaintiff,

vs.

Keolis Transit Services, LLC, a corporation; DOE
DRIVER, an individual, DOE INDIVIDUALS I-X;
ROE CORPORATIONS I-X,

Defendants.

Case No.: 2:21-cv-444

**Keolis Transit Services, LLC's Petition
for Removal**

Keolis Transit Services, LLC petitions to remove this case to the United States District Court for the District of Nevada from the Eighth Judicial District Court for the State of Nevada. This petition for removal is signed per Rule 11.

Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per 28 U.S.C. 1332. There are two named parties. Plaintiff alleges he is a resident of New York.¹ Keolis Transit Services, LLC is a wholly owned subsidiary of Keolis Transit America, Inc., a Delaware corporation with its principal place of business in Massachusetts.

¹ ECF No. 1-7 at ¶ 1.

1 The amount in controversy is also satisfied. On March 15, 2021 Plaintiff filed a
 2 procedural motion in the state court indicating he sustained an injury to his right shoulder that
 3 eventually required surgery and that his medical bills to date are at least \$27,692.62.² Prior cases
 4 in this district have concluded damages in this range are sufficient to support diversity jurisdiction.
 5 For instance, in *Doelamo v. Karl-Heinz* the defendant argued more than \$75,000 was in dispute
 6 because plaintiff alleged “approximately \$22,000 in past medical damages, and he argues that it is
 7 more likely than not that if Plaintiff is successful on his claims for lost wages, future medical
 8 damages for his ‘permanent’ condition(s), past and future pain and suffering, and attorney’s fees,
 9 he will recover more than \$75,000 total in the case.” This was sufficient to create subject matter
 10 jurisdiction.

11 In the Court’s experience, a personal injury claim including \$22,000 in past medical
 12 bills will normally include a plea to a jury for several times this amount in future
 13 medical bills, particularly where one alleges a permanent condition related to the
 14 injury. The Court can conclude this without even considering pain and suffering, lost
 15 wages, or attorney’s fees. Considering those measures of damages and fees, as well, it
 is nearly certain that Plaintiff in reality seeks more than \$75,000. The Court has little
 doubt that Plaintiff will ask the jury to award him more than \$75,000, whether in this
 Court or in state court.

16 In *Canonico v. Seals* the plaintiff conceded at least \$50,000 was in dispute due to past and
 17 future medical treatment and property damage.³ “The remaining question is whether more than
 18 \$25,000 is at stake in the form of pain and suffering, loss of earning capacity, loss of enjoyment of
 19 life, compensatory damages, attorney’s fees, and costs. It almost certainly is.”

20 Keolis timely petitioned for removal within 30 days of receiving notice that more than
 21 \$75,000 is disputed in this matter. Attached to this petition are copies of all process, pleadings,
 22 and orders served upon Keolis in the state court action.

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 26 ² ECF No. 1-10 at 2.

27 ³ No. 2:13-cv-00316, 2013 U.S. Dist. LEXIS 60047 (D. Nev. Apr. 25, 2013).

DATED this 17th day of March, 2021.



BY: /s/ Michael P. Lowry

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Certificate of Service

Pursuant to FRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on March 17, 2021, I served **Keolis Transit Services, LLC's Petition for Removal** as follows:

- ☒ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☐ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

WALEED ZAMAN, ESQ. MICHAEL G. TRIPPIEDI, ESQ. 2880 S. Jones Blvd., Suite 3 Las Vegas, NV 89146 Attorneys for Michael Tatum	
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BY: /s/ Michael Lowry

An Employee of

